IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8668 of 2004

Between:
G.Sujatha D/o Gangi Reddy
Kannapapaya village Lingala Mandal
Kadapa District.

..... PETITIONER

AND

1 The Sub-Inspector of police Yellanur Police Station
Anantapur dist
2 The Dy. Superintendent of Police Tadipatri, Anantpur Dist
3 The Superintendent of Police Anantapur

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ message of Habeas corpus under Art. 226 of the constitution of India directing the respondents to produce G.Divakar Reddy, who is now in the illegal custody of police of Yellanur Police Station before this Hon'ble High court and he may be ordered to the released forthwith after declaring that this detention as illegal and void

For the Petitioner:MR.T.PRADYUMNA KUMAR REDDY, Advocate

For the Respondents 1 to 3: Advocate General

The Court Made the Following Order:

HONOURABLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

HONOURABLE SMT. JUSTICE G. ROHINI

WRIT PETITION No. 8668 of 2004

ORDER:

On 29.4.2004 this petition was filed by G. Sujatha seeking a Writ of Habeas Corpus for production of his brother G. Divakar Reddy, alleged to be in illegal custody of police of Yellanur Police Station.

Affidavit in reply has been filed by Sri B. Chalapathi Rao, Sub-Inspector of Police, Yellanur Police Station, Anantapur District. As a matter fact, Crime No.18 of 2003 has been registered at Tadipatri Rule Circle Police Station, Anantapur District under Sections 4,5 and 6 of Explosives & Substances Act on the basis of the confessional statement of G. Divakar Reddy, the alleged detenu, who got anticipatory bail in Criminal M.P. No. 2405/2003 , dated 17.6.2003. In pursuance of the said order, the detenu surrendered himself before the Judicial First Class Magistrate, Tadipatri alleging that the anticipatory bail was not executed. The learned Magistrate directed the detenu to produce the sureties before the Station House Officer, Yellanur Police Station. The respondents allege that the detenu, G. Divakar Reddy has not come to the police station despite the orders of the Court and denied the allegation that G. Divakar Reddy was ever arrested or is in police station. It has been stated that pursuant to the directions of the Court on 25.5.2002 to trace out the detenu, efforts have been made to locate him. Minute details have been furnished about the manner of enquiry and efforts made by the police to locate the detenu. It is stated that the parents and relatives of the

detenu are not cooperating with the investigation nor had given any descriptive particulars of the detenu, G. Divakar Reddy. Even photograph of the detenu was not available for identification purposes. It is further stated by the respondents that the detenu was the resident of Karnapapaipalli Village of Lingala Mandal, Kadapa District outside the jurisdiction of Yellanur Police Station, due to which they were handicapped in identifying the movements of G. Divakar Reddy. The detenu got himself involved in Crime No. 18 of 2003. There is no separate complaint made about missing of G. Divakar Reddy. Since the detenu is not stated to be in custody, no order can be made as regards his production.

Considering the facts of the case, no other and further directions deserves to be issued, except by directing the petitioner to submit a complaint about missing of his brother before the Superintendent of Police, Kadapa District with full details and particulars so as to enable the Superintendent of Police to have the matter duly enquired and investigated into. In case, such a complaint is made before the Superintendent of Police within four weeks, the Superintendent of Police shall ensure that the same is being investigated.

The writ petition is accordingly disposed of.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

pnb

To:

1 The Sub-Inspector of police Yellanur Police Station
Anantapur dist
2 The Dy. Superintendent of Police Tadipatri, Anantpur Dist
3 The Superintendent of Police Anantapur
4. 2 C.D. Copies